

ORDINANCE NO. 2018-10-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING A COMPREHENSIVE PLAN FOR THE CITY OF MCKINNEY; PROVIDING FOR A COMPREHENSIVE PLANNING PROGRAM FOR THE PHYSICAL DEVELOPMENT OF THE CITY OF MCKINNEY; REPEALING ALL CONFLICTING ORDINANCES AND PREVIOUS COMPREHENSIVE PLANS; PROVIDING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney (the “City”) has been granted the power under Chapter 213 of the Texas Local Government Code to adopt a comprehensive plan for the purpose of promoting sound development and the public health and general welfare of the people of McKinney;

WHEREAS, the current Comprehensive Plan for the City of McKinney was adopted in 2004 to promote such sound development and the public health and general welfare within the Ultimate Planning Area of McKinney;

WHEREAS, the City of McKinney, Texas has maintained the 2004 Comprehensive Plan through a series of amendments in 2005, 2006, 2008, 2010, 2012, 2013, 2015, and 2018;

WHEREAS, in 2015, the City of McKinney desired to initiate a complete update to the 2004 Comprehensive Plan and launched a planning initiative known as the ONE McKinney 2040 Comprehensive Plan Update;

WHEREAS, after hosting a number of community meetings, public input sessions, stakeholder interviews, online surveys, joint work sessions of the City Council and Planning and Zoning Commission, focus groups, Comprehensive Plan Advisory Committee meetings, and other forms of community input a draft of the updated Comprehensive Plan has been created;

WHEREAS, on September 25, 2018, the Planning and Zoning Commission considered the updated Comprehensive Plan document with a favorable recommendation of the Plan to the City Council of the City of McKinney, Texas;

WHEREAS, the City Council of the City of McKinney, Texas now desires to adopt the updated Comprehensive Plan to promote the sound development and the public health and general welfare within the Ultimate Planning Area of McKinney, including the planning of land uses, thoroughfares, parks, utilities and related matters; and

WHEREAS, the City Council of the City of McKinney, Texas deems it in the best interest of all its citizens to adopt the updated Comprehensive Plan of the City of McKinney.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The City Council of the City of McKinney, Texas hereby adopts the updated Comprehensive Plan, known as the ONE McKinney 2040 Comprehensive Plan as attached hereto as Exhibit “A.”

Section 2. The City Council of the City of McKinney, Texas hereby adopts the Preferred Scenario and Land Use Diagram as part of the ONE McKinney 2040 Comprehensive Plan, which shall govern as the City’s Future Land Use Plan as attached hereto as Exhibit “B.”

- Section 3. The City Council of the City of McKinney, Texas hereby adopts the Master Thoroughfare Plan as part of the ONE McKinney 2040 Comprehensive Plan as attached hereto as Exhibit "C."
- Section 4. The ONE McKinney 2040 Comprehensive Plan, attached as Exhibit "A" and incorporated herein for all purposes is hereby adopted as the growth management policy and long range planning tool for the City Council, the Planning and Zoning Commission, the Planning Department, the Engineering Department, and all other applicable boards and departments of the City of McKinney, Texas.
- Section 5. The ONE McKinney 2040 Comprehensive Plan, attached as Exhibit "A" and incorporated herein, shall be utilized as a basic guide for decision making relative to city growth, including the passage of ordinances and the administration thereof. This guide shall be followed to the greatest extent practicable under the then existing circumstances in order to accomplish orderly growth in the City of McKinney.
- Section 6. The ONE McKinney Comprehensive Plan, attached as Exhibit "A" and incorporated herein, shall not amend nor repeal any existing ordinance of the City of McKinney, except as described in Section 7 herein, it being the intent hereunder to use the ONE McKinney 2040 Comprehensive Plan to establish policies to aid in the adoption of ordinances by the City Council and to interpret and enforce the various codes and ordinances enacted by the City Council of the City of McKinney.
- Section 7. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of McKinney, and this Ordinance shall not operate to repeal or affect any of such other ordinances or except insofar as the provisions there of might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby superseded.
- Section 8. The adoption of the ONE McKinney 2040 Comprehensive Plan does not limit the ability of the City of McKinney to prepare other plans, policies or strategies as may be required by the City Council.
- Section 9. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 10. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City Official or employee charged with the enforcement of this Ordinance or the Comprehensive Plan, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.
- Section 11. Ordinance 2004-03-035, which adopted the 2004 Comprehensive Plan, and any and all Ordinances adopted to amend Ordinance 2004-03-035 and the 2004 Comprehensive Plan are hereby repealed.
- Section 12. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.
- Section 10. Copies of the ONE McKinney 2040 Comprehensive Plan as adopted herein shall remain on file in the City Planning Department and shall be available

on the City's website for the public and applicable departments' future reference and use.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 2nd DAY OF OCTOBER, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
MELISSA LEE
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney